

CIVIL COVER SHEET

JS 44C/SDNY
REV. 1/2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Appellant
CONWAY HOSPITAL, INC.

DEFENDANTS

Appellee
LEHMAN BROTHERS HOLDINGS INC. as Plan Administrator

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Macauley LLC
300 Delaware Avenue, Suite 760
Wilmington, DE 19801

Tel: (302) 656-0100

ATTORNEYS (IF KNOWN)

Weil Gotshal & Manges, LLP
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New York, NY 10153

Tel: (212) 310-8000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal of final bankruptcy court order

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned ☐If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 MED MALPRACTICE	[] 620 OTHER FOOD &
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PRODUCT LIABILITY	[] 625 DRUG RELATED
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY
OVERPAYMENT &	EMPLOYERS'	LIABILITY	21 USC 881
ENFORCEMENT	LIABILITY	PERSONAL PROPERTY	[] 630 LIQUOR LAWS
OF JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	[] 640 RR & TRUCK
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS
[] 152 RECOVERY OF	LIABILITY	[] 380 OTHER PERSONAL	[] 660 OCCUPATIONAL
DEFAULTED	[] 350 MOTOR VEHICLE	PROPERTY DAMAGE	SAFETY/HEALTH
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 385 PROPERTY DAMAGE	[] 690 OTHER
(EXCL VETERANS)	PRODUCT LIABILITY	PRODUCT LIABILITY	LABOR
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRISONER PETITIONS	[] 710 FAIR LABOR
OVERPAYMENT	INJURY	[] 510 MOTIONS TO	STANDARDS ACT
OF VETERAN'S	ACTIONS UNDER STATUTES	VACATE SENTENCE	[] 720 LABOR/MGMT
BENEFITS	CIVIL RIGHTS	28 USC 2255	RELATIONS
[] 160 STOCKHOLDERS	[] 441 VOTING	[] 530 HABEAS CORPUS	[] 730 LABOR/MGMT
SUITS	[] 442 EMPLOYMENT	[] 535 DEATH PENALTY	REPORTING &
[] 190 OTHER	[] 443 HOUSING/	[] 540 MANDAMUS & OTHER	DISCLOSURE ACT
CONTRACT	ACCOMMODATIONS	PRISONER CIVIL RIGHTS	[] 740 RAILWAY LABOR ACT
[] 195 CONTRACT	[] 444 WELFARE	[] 550 CIVIL RIGHTS	[] 790 OTHER LABOR
PRODUCT	[] 445 AMERICANS WITH	[] 555 PRISON CONDITION	LITIGATION
LIABILITY	DISABILITIES -	IMMIGRATION	[] 791 EMPL RET INC
[] 196 FRANCHISE	EMPLOYMENT	[] 462 NATURALIZATION	SECURITY ACT
REAL PROPERTY	[] 446 AMERICANS WITH	[] 463 HABEAS CORPUS-	
[] 210 LAND	DISABILITIES -OTHER	ALIEN DETAINEE	
[] 220 CONDEMNATION	[] 440 OTHER CIVIL RIGHTS	OTHER IMMIGRATION	
[] 230 FORECLOSURE	(Non-Prisoner)	ACTIONS	
[] 240 RENT LEASE &			
EJECTMENT			
[] 245 TORTS TO LAND			
TORT PRODUCT			
LIABILITY			
[] 290 ALL OTHER			
REAL PROPERTY			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 8/25/2014 SIGNATURE OF ATTORNEY OF RECORD

Thomas G Macaulay / w/ permission

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO
[] YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code # _____

RECEIPT # _____

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)